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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,861	12/13/2001	Tadaaki Saida	1232-4801	6336

27123 7590 07/13/2006

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EXAMINER	
BURLESON, MICHAEL L	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,861	SAIDA ET AL.	
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-7,9-14,16-26,29-32,34-39,41-50 and 54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1,4-7,9-14,26,29-32 and 34-39* is/are allowed.

6)☒ Claim(s) *16-25,41-50 and 54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 16-17, filed 03/13/2006, with respect to claims 1,4-7,9-14,26,29-32 and 34-39 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

2. Applicant's arguments, see pages 17-19, filed 03/13/2006, with respect to the rejection(s) of claim(s) 16-25,41-50 and 54 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wada et al. US 5568573. Applicant states that the reference of Kumagai fails to teach of detecting the size of an original. Examiner agrees with Applicant. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reference of Kumagai is not relied upon for this teaching. However the reference of Wada et al. is used to teach of detecting the size of an original. Claims 16-25,41-50 and 54 are rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (hereinafter referred to as Kumagai) (U.S. Patent 6,600,579) in view of Wada et al. (U.S. Patent 5,568,573).

With respect to claim 16 Kumagai discloses an image reading apparatus comprising: an image sensor adapted to read an image of an original (column 3 lines 1-4 and 17-20), a document feeder adapted to feed said original to a platen (column 3,lines 1-7); a dust or dirt detector adapted to detect presence/absence of dust and/or dirt on a platen (column 3 lines 62-64), and a controller adapted to inhibit the read-while-feed operation to read said original in a case where said dust or dirt detector

detects the presence of dust or dirt on said platen at said predetermined positions (column 3 lines 46-48, column 6 lines 46-47).

The apparatus disclosed by Kumagai differs from claim 16 in that Kumagai does not disclose an original size detector adapted to detect a size of said original and a controller to perform a read-while-feed operation in which an original is read while being fed by said image sensor placed at a predetermined position corresponding to the size of said original detected by said original size detector while said original is fed by said document feeder.

Wada et al. discloses an original size detector (document carrier mechanism (3)) adapted to detect size of said original and a controller to perform a read-while-feed operation in which an original is read while being fed by said image sensor placed at a predetermined position corresponding to the size of said original detected by said original size detector while said original is fed by said document feeder (column 5 lines 28-38 and 64-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Kumagai wherein an original size detector adapted to detect a size of said original and a controller to perform a read-while-feed operation in which an original is read while being fed by said image sensor placed at a predetermined position corresponding to the size of said original detected by said

original size detector while said original is fed by said document feeder. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Kumagai by the teaching of Wada et al. so that Kumagai's invention could be finely adjusted to shift the reading position for different sizes of originals because dirt or dust can prevent the reading of image data (given the express suggestion of Wada et al. column 5 lines 9-19).

3. Claims 41 and 54 arguments are analogous to those presented for claim 16 therefore the arguments presented for claim 16 are applicable.

With respect to claim 17 Kumagai discloses said controller controls said detector to perform detection after a read-while-feed operation (column 4 lines 38-40).

4. Claim 42 arguments are analogous to those presented for claim 17 therefore the arguments presented for claim 17 are applicable.

With respect to claim 18 Kumagai discloses a notification unit for notifying presence of dust or dirt on the platen if said detector detects dust or dirt at all of the plurality of predetermined positions (column 3 lines 66-67; column 4 lines 57-58).

5. Claim 43 arguments are analogous to those presented for claim 18 therefore the arguments presented for claim 18 are applicable.

With respect to claim 19 Kumagai discloses if said detector detects dust or dirt at all of the plurality of predetermined positions, said notification unit notifies the presence of the dust or dirt on the platen right after the detection (column 3 lines 66-67; column 4 lines 57-58).

6. Claim 44 arguments are analogous to those presented for claim 19 therefore the arguments presented for claim 19 are applicable.

With respect to claim 20 Kumagai discloses if said detector detects dust or dirt at all of the plurality of predetermined positions, said notification unit notifies the presence of the dust or dirt on the platen in advance of a reading operation of an original (column 3 lines 66-67; column 4 lines 11-15).

7. Claim 45 arguments are analogous to those presented for claim 20 therefore the arguments presented for claim 20 are applicable.

With respect to claim 21 Kumagai discloses the notification unit comprises a display device, and the apparatus further comprises an operation unit adapted to designate to clear the displayed notification of the presence of the dust or dirt (column 4 lines 1-3, 59-60).

8. Claim 46 arguments are analogous to those presented for claim 21 therefore the arguments presented for claim 10 are applicable.

With respect to claim 22 Kumagai discloses a memory adapted to, when said detector does not detect dust and/or dirt at least at one of the plurality of predetermined positions, store the position having no dust or dirt in relation with a size of a document detected by said original size detector, wherein said controller controls to perform the read-while-feed operation at the stored position (column 3 line 67; column 4 lines 1-2; column 5 lines 55-56).

9. Claim 47 arguments are analogous to those presented for claim 22 therefore the arguments presented for claim 22 are applicable.

With respect to claim 23 Kumagai discloses said apparatus is capable of performing a stationary reading operation in which an original is held at a fixed position on the platen and read while moving an image sensor and wherein if said dust or dirt detector detects dust or dirt at all of the plurality of predetermined positions, said controller sets to perform the stationary reading operation (column 6 lines 44-57).

10. Claim 48 arguments are analogous to those presented for claim 23 therefore the arguments presented for claim 23 are applicable.

With respect to claim 24 Kumagai discloses said controller turns on a flag indicative of inhibition of the read-while-feed operation upon inhibiting the read-while-feed operation, and turns off the flag upon allowing the read-while-feed operation (column 7 lines 13-16, 32-34).

11. Claim 49 arguments are analogous to those presented for claim 24 therefore the arguments presented for claim 24 are applicable.

With respect to claim 25 Kumagai discloses a flag determination unit for determining on/off of the flag indicative of inhibition of the read-while-feed operation (column 7 lines 13-16). Harada discloses wherein said apparatus is capable of performing a stationary reading operation in which an original is held at a fixed position on the platen and read while moving an image sensor (column 4 lines 52-55), and wherein said controller controls to perform the stationary reading operation when said flag determination unit determines that the flag is on, and controls to perform the read-while-feed operation when said flag determination unit determines that the flag is off (column 5 lines 20-21).

12. Claim 50 arguments are analogous to those presented for claim 25 therefore the arguments presented for claim 25 are applicable.

13. With respect to claim 54 Kumagai discloses controller inhibits the read-while-feed operation in a case where said dust or dirt detector detects dust or dirt at all of a plurality of predetermined positions (column 7,lines 13-16).

Allowable Subject Matter

2. Claims 1,4-7,9-14,26,29-32 and 34-39 allowed.

3. Regarding claims 1 and 26, Prior art fails to teach of notifying of the presence of dust or dirt on a platen in response to the detection of dust or dirt and clearing the notification of dust or dirt in response to an opening of a document feeder.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

KAWilliams

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

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Patent Examiner
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MB

Mlb
July 9, 2006